

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

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3	MARC VEASEY, JANE HAMILTON,)
4	SERGIO DELEON, FLOYD J. CARRIER,)
5	ANNA BURNS, MICHAEL MONTEZ,)
6	PENNY POPE, OSCAR ORTIZ, KOBY)
7	OZIAS, JOHN MELLOR-CRUMMEY,)
8	JANE DOE, JOHN DOE, LEAGUE OF)
9	UNITED LATIN AMERICAN CITIZENS)
10	(LULAC), AND DALLAS COUNTY,)
11	TEXAS)
12)
13	VS.)
14)
15	RICK PERRY, Governor of Texas,)
16	and JOHN STEEN, Texas Secretary)
17	of State)
18)
19	UNITED STATES OF AMERICA,)
20)
21	V.)
22)
23	STATE OF TEXAS, JOHN STEEN, in)
24	his official capacity as Texas)
25	Secretary of State, and STEVE)
26	MCCRAW, in his official capacity))
27	as Director of the Texas)
28	Department of Public Safety,)
29)
30	TEXAS STATE CONFERENCE OF NACCP)
31	BRANCHES, AND THE MEXICAN)
32	AMERICAN LEGISLATIVE CAUCUS OF)
33	THE TEXAS HOUSE OF)
34	REPRESENTATIVES,)
35)
36	V.)
37)
38	JOHN STEEN, in his official)
39	capacity as Texas Secretary of)
40	State, and STEVE MCCRAW, in his)
41	official capacity as Director of))
42	the Texas Department of Public)
43	Safety)
44)
45)

CIVIL ACTION NO.
2:13-CV-193 (NGR)
(lead case)

CIVIL ACTION NO.
2:13-CV-263 (NGR)
(consolidated case)

CIVIL ACTION NO.
2:13-CV-291 (NGR)
(consolidated case)

ORAL DEPOSITION OF

DEBBIE NEWMAN

JULY 24, 2014

ORAL DEPOSITION of DEBBIE NEWMAN, produced as a witness at the instance of the Plaintiffs, was taken in the above-styled and numbered cause on JULY 24, 2014, from 3:12 p.m. to 5:16 p.m., before Cynthia C. Miller, CSR in and for the State of Texas, reported by machine shorthand, at the offices of Wells, Payton, Greenberg & Hunt, 550 Fannin, Suite 600, Beaumont, Texas, pursuant to the Federal Rules of Civil Procedure and the following stipulation and waiver of counsel:

IT WAS STIPULATED AND AGREED by and between counsel that if the original of said deposition is not signed or available at the time of trial or any hearing, an unsigned copy may be used in lieu thereof.

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APPEARANCES CONTINUED

ALSO PRESENT:

Ms. Sheila Houston

INDEX

	Page
Stipulations.....	2
Appearances.....	3/4
Testimony of DEBBIE NEWMAN	
Examination by Ms. Simson.....	6
Examination by Mr. Gear.....	54
Examination by Mr. Keister.....	74
Further Examination by Ms. Simson.....	96
Changes and Signature.....	104/105
Reporter's Certificate.....	106

EXHIBITS

Newman Deposition Exhibit No. 1.....	74
(Documents from County Clerk's Office)	
Newman Deposition Exhibit No. 2.....	75
(Letter from AG to County Clerk)	
Newman Deposition Exhibit No. 3.....	97
(Examples)	

1 DEBBIE NEWMAN,
2 having been first duly sworn, testified as follows:

3 EXAMINATION

4 BY MS. SIMSON:

5 Q. Can you go ahead and state your name for the
6 record, please?

7 A. Debra Dale Newman. Better known as Debbie
8 Newman.

9 Q. Okay. And are you the county clerk for Jasper
10 County?

11 A. I am.

12 Q. My name is Emma Simson. This is Chad Dunn.
13 We are the attorneys for the Veasey-LULAC plaintiffs in
14 the lawsuit over the photo ID law.

15 A. Okay.

16 Q. You understand you are not a party to this
17 lawsuit?

18 A. I understand.

19 Q. Have you ever been deposed before?

20 A. Yes, I have.

21 Q. How many times?

22 A. Once.

23 Q. What was the case about?

24 A. It was a car wreck that I was involved in.

25 Q. Okay. And were you a party to that?

1 A. Yes.

2 Q. And you were the plaintiff?

3 A. Correct.

4 Q. Okay. So you've been deposed once before, but
5 just to go over some ground rules that will make this go
6 smoothly. The first is if I ask you a question and you
7 don't understand, please let me know and I will try to
8 rephrase it so it makes sense.

9 A. I understand.

10 Q. Then the second is we try to avoid talking
11 over each other, because she's trying to get everything
12 down, so I will do my best to let you finish your answer
13 before I ask my next question, and I'll ask that you do
14 the same and wait until I finish a question before you
15 answer.

16 A. Understood.

17 Q. The next thing is that you have provided
18 verbal answers like you've been doing so far, just so
19 that she can get this down on the record. Does that
20 make sense?

21 A. Correct.

22 Q. And the last is I don't think this should take
23 too long, but if you need a break, please let me know,
24 and we'll finish up whatever line of questions we're on,
25 and we can take a break.

1 A. Thank you.

2 Q. So can you, first, start us off with a bit of
3 background about yourself, where you grew up, went to
4 school, past jobs?

5 A. I grew up in Jasper, Texas, been there seven
6 generations, been married to my husband for 44 years,
7 and four years of high school.

8 I worked for Seal, Stauffer, Cofield &
9 Busby law firm for 15 years. And I ran for county clerk
10 and been there ever since. That was in '99.

11 Q. You ran for county clerk in 1999?

12 A. Well, '98.

13 Q. '98. And you took the position in '99?

14 A. In '99.

15 Q. And did you run with a political party when
16 you ran for office?

17 A. I did.

18 Q. Which party was that?

19 A. Democrat.

20 Q. Okay. And were you opposed?

21 A. Yes.

22 Q. Okay. And so how often do you have to run for
23 re-election for county clerk?

24 A. Every four years.

25 Q. Every four years. So are you up for an

1 election?

2 A. Well, actually three, you know.

3 Q. Okay. Have you had any past jobs, other than
4 county clerk, that related to elections in any way?

5 A. No.

6 Q. Okay. So you received a deposition notice for
7 today that asked you to bring some documents. Did you
8 bring any documents?

9 A. We brought what we had.

10 Q. Okay.

11 A. And I don't think it's really what you want.

12 Q. Okay.

13 A. I'm going to give you what Sheila has given
14 me, because this is more her expertise.

15 Q. Okay. And are these all of the documents that
16 are responsive to the request?

17 A. That's all we have.

18 Q. Okay.

19 A. You asked for --

20 MS. HOUSTON: We had the simple ballot
21 already in those results right there, and she just had
22 me to do the summary of the constitutional run-off and
23 primaries.

24 A. But you wanted provisional, and we had none.

25 Q. (By Ms. Simson) Okay. Excellent. So you've

1 been county clerk since 1999. What are the job
2 responsibilities of county clerk?

3 A. Well, they're huge. It's too enormous to go
4 over in this deposition, but basically you order all the
5 ballots, you get all the polling places, all the poll
6 workers who are responsible for the poll watchers, the
7 candidates, furnish them with forms.

8 We do anyway. A lot of county clerks do
9 not. We help them with their paperwork.

10 Q. And are you responsible for voter registration
11 as county clerk?

12 A. Actually, my assistant, Sheila, is.

13 Q. Okay. But you supervise her with voter
14 registration?

15 A. I supervise her.

16 Q. Okay. So you mentioned -- when did your
17 office begin work on implementing S.B. 14?

18 And before we start that, when I say S.B.
19 14, I'm referring to Senate Bill 14 that was passed in
20 2011 and requires voters to present photo
21 identification.

22 A. Well first year was this year, or last year,
23 our first year.

24 MS. HOUSTON: This past year, I think
25 wasn't it the first time, like actually had the -- like

1 by law, they had to show ID.

2 Q. (By Ms. Simson) And do you recall when that
3 was last year?

4 A. That was in March.

5 Q. In March?

6 A. This March.

7 Q. Okay. Do you remember if --

8 A. No. Am I wrong? Correct me if I'm wrong.

9 MS. HOUSTON: I was trying to remember
10 which election it actually started.

11 A. I know we did it in March.

12 Q. (By Ms. Simson) Do you recall if you
13 implemented S.B. 14 in November elections, November of
14 2013?

15 A. No, I do not remember.

16 Q. And how did you find out that the county was
17 supposed to start implementing S.B. 14?

18 A. Through the Secretary of State.

19 Q. Would that be through e-mail?

20 A. Letters, and e-mail, and school.

21 Q. Okay. And when you found out that the state
22 was now implementing S.B. 14, what did your office have
23 to do to prepare to implement S.B. 14 during elections?

24 A. Well, we really didn't have to do -- other
25 than advertise, we advertised, and we had it on our

1 local radio, which is a big deal in our little town.

2 And we had it locally.

3 Everybody knew, you know. Small as our
4 town is, we have an average of -- in a November election
5 is 11,000 voters. In this one, we only had probably
6 3,500. So we had not -- we had one person, one, that
7 opposed showing their ID.

8 Q. And when you say that person opposed showing
9 their photo ID --

10 A. They just said they didn't see why they had
11 to, it was America.

12 Q. Okay. And did they end up showing their ID?

13 A. They did. Not an issue.

14 Q. And then they cast a ballot?

15 A. Yes, they did.

16 Q. Okay. So you said an average in November
17 elections you have about 11,000 voters?

18 A. Yes.

19 Q. Is that for maybe a November presidential
20 election?

21 A. Yes.

22 Q. Okay. So the 3,500 this past November, how
23 come that was --

24 A. That was a primary.

25 Q. Okay.

1 A. Primary. Democrat/Republican primary.

2 Q. And was the primary in November or March?

3 A. March.

4 Q. So in the November 2013 elections, did you
5 also have lower voter turnout?

6 A. It's always lower in the primaries than
7 November.

8 Q. Okay.

9 A. You're either going with a governor's race or
10 the presidential race, then you have a good turnout.

11 Q. Okay. So the governor's race and presidential
12 races are when you have a much higher turnout?

13 A. Yes.

14 Q. Okay. So with S.B. 14, there were some
15 changes to the identification requirements at the polls.
16 And what did you have to do to train election workers?

17 A. We put on a school.

18 Q. A school, what do you mean by a school?

19 A. We school them. We have them come to the
20 courthouse, or we go to them, all our election workers,
21 and we actually go through an election school. And we
22 do this every election on what they are supposed to do.

23 Q. And if a person has been an election worker in
24 past elections, do they have to attend training every
25 year?

1 A. They do.

2 Q. They do?

3 A. Yes.

4 Q. And when you say "school," can you describe
5 this school?

6 A. We actually go through the whole synopsis of
7 how to hold the election, how to cast the ballot, how to
8 handle the election worker -- I mean, the election --
9 well, I can't think of the word now.

10 The voter, the voter, how to handle them
11 in any situation.

12 Q. Okay. And is it -- so it's in person?

13 A. Yes.

14 Q. And about how many hours, or how many days is
15 this school?

16 A. We hold an election in Jasper that is -- we
17 have five towns in our county. We hold one in Jasper,
18 and we hold one in Buna. Buna is locally situated, you
19 know, for everybody.

20 And that makes it -- we have one at
21 2:00 o'clock, we have one at 6:00 o'clock where
22 everybody can attend.

23 Q. So is it about a few hours?

24 A. No, it runs about an hour-and-a-half, and then
25 we have -- usually we have desserts.

1 Q. Okay. So people attend about an
2 hour-and-a-half training. Do they also have to do a
3 training on-line?

4 A. They can choose to train on-line.

5 Q. Okay.

6 A. And some of them do do that.

7 Q. So that's voluntary on-line?

8 A. That's voluntary.

9 Q. And so when you're at a polling place on
10 election day, how many people are working at the poll?

11 A. You have a mandatory three.

12 Q. Mandatory three. And is there some person who
13 is supervising?

14 A. You have your judge, your alternate judge, and
15 your election worker.

16 Q. And those are the three people?

17 A. And on the bigger ones, we have up to five to
18 six.

19 Q. Okay. And do they all attend the same
20 training?

21 A. Yes.

22 Q. Okay. And who runs the training for the
23 election workers?

24 A. Myself, and Diana South.

25 Q. Okay. And did you have to change your

1 training after S.B. 14?

2 A. Yes, we had to, you know, put that into
3 perspective with everything. We had to make sure that
4 everybody knew. And we emphasized it so -- it was so
5 important, we emphasized it.

6 Q. And emphasized that there is now a photo ID
7 requirement?

8 A. Yes.

9 Q. To make sure they ask voters for ID?

10 A. We also said, you know, if someone says,
11 "Where do I get this, I don't have one," we would let
12 them know that they could go to the local DPS.

13 Q. And so you had to let the election workers
14 know where the voters could go get IDs?

15 A. Yes, we trained them.

16 Q. Okay. And how many election workers, roughly,
17 do you have in Jasper County?

18 A. I would say 100.

19 Q. Around 100?

20 A. Around 100.

21 Q. And did you have training materials that you
22 used at the school?

23 A. Yes.

24 Q. And did you bring those with you today?

25 A. No.

1 Q. Is that something if we --

2 A. Well, we use the book that we get from the
3 Secretary of State.

4 Q. So you use exactly the materials they give?

5 A. Exactly. And we also use a tape that is
6 furnished by the Secretary of State. And then we just
7 do a local person-to-person instructions.

8 Q. Okay. And do you have any idea how many of
9 the election workers do the voluntary on-line training?

10 A. Not very many. I would say no more than five.

11 Q. Is the content of the on-line training pretty
12 similar to the content of your training?

13 A. Yes.

14 Q. At the end of your training --

15 A. It's actually the tape, I'm sorry.

16 Q. Okay.

17 A. It's the tape that the Secretary of State
18 provides, they just look at it on-line. Then they get a
19 certificate.

20 Q. And you also show the tape at the training?

21 A. Correct.

22 Q. Okay. Do you do anything at the end of the
23 training to make sure that election judges understood
24 what you train them on?

25 A. Yes. And if they don't, we go one-on-one

1 personally with them.

2 Q. And what do you do to figure out if they
3 understood?

4 A. They come up to us.

5 Q. Okay. They will come up to you. But is there
6 any kind of quiz at the end to see if they understood?

7 A. No.

8 Q. Do you think that you were successful in
9 training election workers about S.B. 14?

10 A. Yes.

11 Q. And what makes you say that?

12 A. Done it many, many years. And our election
13 workers tend to be the same ones.

14 Q. So you have people who come year after year?

15 A. I actually have one 90 years old.

16 Q. How long has he or she --

17 A. She has been there for, I would say, 40 to 45
18 years because I provide them with a pin, an election pin
19 of how many years, and hers is huge, you know.

20 Q. So other than training the poll workers, and
21 other than educating voters, was there anything else you
22 had to do to get ready for S.B. 14?

23 A. We had to put it in the local newspapers.

24 Q. Was that required, or was that something you
25 decided to do?

1 A. I don't know if it was required or not.

2 That's what we did. We put it on the local radio

3 station, and our local radio personality tends to be

4 very vocal on elections, so he helps a whole lot.

5 Q. And who is that?

6 A. Mike Lout.

7 Q. And what's the radio station?

8 A. KJAS.

9 Q. And what's the newspaper?

10 A. Jasper News Boy, Buna Beacon, and Kirbyville

11 Banner.

12 Q. Do you know if the radio station has coverage

13 for the entire county, or is it only for Jasper City?

14 A. No, they have coverage throughout the whole

15 county, including parts of Sabine County.

16 Q. Okay. Did you do any -- did you do anything
17 else, like billboards, or signs on buses, or brochures
18 in offices?

19 A. We don't have a bus in our town, and

20 billboards are too expensive for our budget.

21 Q. Did you send letters to voters at all to
22 inform them of the changes in the law?

23 A. No.

24 Q. Did Jasper County ever conduct any sort of
25 database match between the voter registration list, and

1 the driver's license database to find out which voters
2 might lack ID?

3 MS. HOUSTON: That lack ID, no, not to
4 see who doesn't have ID.

5 A. Not that, but they are corresponding, you
6 understand.

7 Q. (By Ms. Simson) How does it correspond?

8 A. I have to let her speak for me because that's
9 not something I do.

10 Q. So you're not aware of how the driver's
11 license database interacts --

12 A. Well, I know that when she sends it into
13 Austin. It can also be sent in from DPS, too, to
14 Austin, and she knows whether it came from the DPS.

15 MS. HOUSTON: Yeah, if they go to the DPS
16 to get their driver's license, they can register to
17 vote. That's what she's talking about.

18 Q. (By Ms. Simson) But there wasn't after
19 S.B. 14 went into effect, you never took, for example,
20 the voter registration list for Jasper County to see if
21 there may be people who lack a driver's license?

22 MS. HOUSTON: No.

23 A. I don't think. No, I don't think we have that
24 option, do we? With their software.

25 Q. (By Ms. Simson) Did the Secretary of State's

1 office ever offer to provide you with a list of people
2 who may lack ID because they don't have a driver's
3 license?

4 A. Not that I'm aware.

5 Q. Okay. Is that something that if the Secretary
6 of State's office said to you, "We can run a match and
7 tell you which of your voters may lack an ID," would
8 that be something you would be interested in getting?

9 MR. KEISTER: Object to form.

10 Q. (By Ms. Simson) I should let you know, he may
11 object from time to time. That's for the attorneys to
12 work out later. You can answer after he does that.

13 A. Would it be helpful?

14 Q. Would it be --

15 A. Is that what you're asking me?

16 Q. If the Secretary of State's office said to
17 you, "We can take your voter registration list and all
18 your registered voters and see which of them appear to
19 lack a driver's license, or may lack a driver's
20 license," is that information you would have been
21 interested in so you could, for example, send letters to
22 those voters?

23 A. It would be interesting to me, but I think it
24 would be a privacy issue --

25 Q. Okay.

1 A. -- for the voter.

2 Q. Okay. Other than the radio ads and the
3 newspaper ads, was there anything else that you did to
4 educate voters?

5 A. Also, there is on-line with the radio station.

6 Q. The radio station's Web site had something?

7 A. Yes. And our Web site also provided
8 information.

9 Q. That's the county clerk's office?

10 A. No, the Jasper County.

11 Q. Jasper County Web site. Anything else that
12 you did to educate voters?

13 A. No.

14 Q. Did you have to -- so talking about the radio
15 ads, do you recall when those were aired?

16 A. No, because it was voluntary. It's not
17 something we paid for.

18 Q. Okay. So you did not have to pay for the
19 radio ads?

20 A. Huh-uh.

21 Q. And is -- do you have -- do you frequently
22 have the radio volunteer to put things on the radio
23 station for you?

24 A. Yes. But they're non-biased.

25 Q. And in the newspaper, did you have to pay to

1 place those ads?

2 A. Yes.

3 Q. And do you recall how much that cost?

4 A. All three are different prices. Jasper being
5 the highest at around \$100. Kirbyville being -- the
6 other two being probably 60, 40.

7 Q. And so did you -- and you didn't have to pay
8 the radio anything to put the ad up on the Web site?

9 A. No.

10 Q. Okay. And on the radio station, was that kind
11 of a public service announcement, or an --

12 A. Yes.

13 Q. Okay. And so you spent, it sounds like, a few
14 hundred dollars on newspaper ads. Do you recall when
15 those were placed?

16 A. It's mandatory when you have to place them.
17 We placed them upon -- when the Secretary of State told
18 us to.

19 Q. So these were notices -- the notices in the
20 newspaper, were they about photo ID, or were they about
21 elections?

22 A. They were about elections, but we also -- we
23 also put a separate ad in ourself, I do believe. Am I
24 correct on that?

25 Diana would have to answer that, my chief

1 assistant, because she handles that.

2 Q. So you're not sure if the county placed an ad
3 about photo ID in the newspaper?

4 A. I am 90 percent they did.

5 Q. They did, or did not?

6 A. Did.

7 Q. Okay. And the radio ads that you mentioned
8 that were voluntary by the radio station, were those
9 about elections, or were those about photo ID?

10 A. Elections.

11 Q. Okay. So they didn't specifically advertise
12 you need a photo ID to vote now?

13 A. No, it was voluntary on the radio station.

14 Q. Was there any education or outreach to voters
15 specifically about the photo ID law?

16 A. I would say no.

17 Q. Okay. Do you know if there was any education
18 to voters about the election identification
19 certification, or the EIC?

20 A. Not that I'm aware of.

21 Q. And when I say the EIC, do you know what I'm
22 referring to?

23 A. No, I really don't.

24 Q. Okay. Are you aware that under S.B. 14 there
25 is a free election ID that voters can obtain called an

1 election identification certificate?

2 A. I'm not. Were you?

3 MS. HOUSTON: What I was told, they could
4 go to the DPS office to get a photo ID. That was
5 supposed to be free.

6 Q. (By Ms. Simson) And you're aware of this?

7 A. I am.

8 Q. But you're not sure if that's the election
9 identification certificate?

10 A. It's a photo ID.

11 Q. Okay. And is the -- as far as you're aware,
12 is the Department of Public Safety the only place that a
13 person can obtain -- is the Department of Public Safety
14 office the only place a person can obtain one of the
15 free IDs for voting?

16 A. Yes.

17 Q. Do you know how many locations there are in
18 Jasper County for driver's license offices?

19 A. One.

20 Q. One?

21 A. Yes.

22 Q. And is that located in Jasper?

23 A. Jasper.

24 Q. Okay. Do you know if Jasper County ever had
25 mobile EIC units to offer the free photo IDs?

1 A. No. They -- we were told that they were going
2 to be, but never had one.

3 Q. Do you know why there never was one?

4 A. No.

5 MS. SIMSON: Can we go off the record for
6 one second?

7 (Recess from 3:32 p.m. to 3:34 p.m.)

8 Q. (By Ms. Simson) So the Department of Public
9 Safety office in Jasper County, is that accessible by
10 public transportation?

11 A. We do not have public transportation. What
12 are you talking about? A bus or a taxi? We have one
13 taxi.

14 Q. A bus.

15 A. No, we have no buses.

16 Q. Is there any public transportation in Jasper
17 County?

18 A. There's a taxi service.

19 Q. And what is the taxi service?

20 A. I don't know the name of it.

21 Q. Do you know can people get the taxi for free?

22 A. No.

23 Q. Okay. Do you have any idea how much it cost?

24 A. I think \$5.

25 Q. And they can go anywhere in the county with

1 that?

2 A. Well, not anywhere. Our county is 72 miles
3 long, from one end to the other. So -- it's very long
4 and narrow, so they could not travel that far.

5 Q. And are you -- so you didn't have to pay for
6 the radio ads, you had to pay a few hundred dollars for
7 the newspaper ads. Is there any other cost that you had
8 related to implementing S.B. 14?

9 A. When you say not very much -- when you say not
10 very much, it's more than that, because you have to
11 advertise for early voting, and you have to advertise
12 for the day of voting.

13 It adds up to more than a few hundred.
14 It adds up more to like a thousand, which is a lot.

15 Q. Those ads weren't about photo ID, though;
16 correct?

17 A. We had some that were --

18 Q. Okay.

19 A. -- about photo ID. It might not have been a
20 huge ad, but we did have the ad that I -- I'm pretty
21 sure.

22 Q. Did the county do any advertising about the
23 availability of free voter IDs?

24 A. Not that I'm aware.

25 Q. Did you work with any community groups to

1 educate voters about the photo ID law?

2 A. We worked with local ministers.

3 Q. And how did you contact the local ministers?

4 A. We -- we're so small that we're very close
5 with the community. And then most of our polling places
6 are at churches, so we would have -- pass that
7 information on to that pastor, preacher.

8 Q. Do you recall which of the pastors, preachers,
9 ministers that you talked with about the photo ID law?

10 A. I would say just about every one of them. I
11 would say 50 percent, let me just put it like that.

12 Q. Okay.

13 A. We have 20 polling places.

14 Q. Okay. And I think you mentioned earlier --
15 hopefully, this was while we were doing -- while we were
16 on the deposition, but about how many people are in
17 Jasper County?

18 A. About 35,000.

19 Q. And how many registered voters do you have?

20 A. Around 20.

21 Q. And -- 20,000?

22 A. Yes.

23 Q. Okay. Do you think that you were successful
24 in educating voters about the photo ID law?

25 A. I think it could have been better.

1 Q. And why do you say that?

2 A. Because you have brought it to my attention.

3 Q. Which aspect of it?

4 A. I think we should have done more.

5 Q. To educate voters?

6 A. Yes.

7 Q. What do you think you might have done to
8 educate voters, if you had more time or money?

9 A. I think we could have done some radio ads,
10 more -- our town is more into radio, and the on-line.
11 That on-line goes out all over the world. And I think
12 we could have done more with that.

13 Q. And was it just you -- maybe you hadn't
14 thought about voters, or it was a cost issue?

15 A. We have a real big cost issue.

16 Q. And so you don't have a lot of money to spend
17 on education?

18 A. No, we don't.

19 Q. Did the Secretary of State's office ever offer
20 to give you money to educate voters about the photo ID
21 law?

22 A. Not that I'm aware.

23 Q. Did you ever request that from the Secretary
24 of State's office?

25 A. No.

1 Q. Are you aware of what any other counties have
2 done to educate voters about the photo ID law?

3 A. No.

4 Q. Okay. So you mentioned -- I believe you
5 mentioned earlier that there were no provisional ballots
6 cast because of an ID issue?

7 A. No.

8 Q. And that's during any of the elections that
9 S.B. 14 has been in effect?

10 A. Correct.

11 Q. Now, the free photo ID cards that are -- that
12 voters may obtain, these are called the election
13 identification certificates. I may refer to them as
14 EICs. Does the county have the authority to issue those
15 IDs?

16 A. No.

17 Q. Are you aware if other counties have the
18 authority to issue those IDs?

19 A. No.

20 Q. Have you ever asked the Secretary of State's
21 office if you could get authority to issue those IDs?

22 A. No.

23 Q. If I told you that some other counties have
24 the authority to issue these free voter ID cards, is
25 that something you would be interested in being able to

1 do?

2 A. Yes.

3 Q. Do you know if DPS in Jasper -- do you know if
4 the DPS office in Jasper ever did extended hours for
5 people who may need to get an ID to vote?

6 A. Absolutely not.

7 Q. Okay. So you don't think they ever opened on
8 Saturdays to offer photo ID?

9 A. Absolutely not. We don't want to go there.

10 Q. What do you mean by that?

11 A. No comment.

12 Q. Okay. The mobile EIC units that you mentioned
13 before, you said the Secretary of State's office may
14 have offered them, but it never happened, or you never
15 heard anything; is that correct?

16 A. Our Congressman James White's office brought
17 it to our attention, but we didn't hear anything else,
18 didn't know anything else about it.

19 Q. So the Congressman brought to your attention
20 the possibility of having a mobile EIC station, but you
21 didn't hear anything from the Secretary of State's
22 office?

23 A. We didn't hear anything else, period.

24 Q. Okay. Did you -- are you aware that other
25 counties had mobile EIC units available to them?

1 A. No.

2 Q. So as far as you're aware, there were never
3 any mobile units to issue free voter IDs in Jasper
4 County?

5 A. No.

6 Q. Okay. Did you ever testify in front of the
7 legislature about voter ID laws?

8 A. No.

9 Q. Did you ever talk to any legislators about
10 them?

11 A. No.

12 Q. Has anyone from the Secretary of State's
13 office ever contacted you to ask for feedback about how
14 the voter ID law was implemented?

15 A. No.

16 Q. Has anyone from DPS ever contacted you about
17 the availability of free voter ID cards at their office?

18 A. No.

19 Q. Has anyone from DPS ever contacted you about
20 voters who needed IDs?

21 A. No.

22 Q. Has anybody at DPS -- have you had any
23 conversations with anybody at DPS about voter ID?

24 A. Only on a personal level, and it's not -- it
25 would not be in my capacity as county clerk.

1 Q. And what was the nature of those
2 conversations? Who was the person at DPS?

3 A. I'd rather not say.

4 Q. What was the content -- what was the kind of
5 content of those conversations?

6 A. It's a large job. There's only two women
7 there for the whole county.

8 Q. So did they express concerns about their
9 capacity to issue free voter IDs?

10 A. Yes.

11 Q. They did?

12 A. On a personal level, not as -- in their work
13 capacity.

14 Q. Certainly. Have you spoken with anyone from
15 the Secretary of State's office at any time about
16 S.B. 14?

17 A. I have not. Now, some of my staff may have.

18 Q. Okay. Is that -- if one of your staff has a
19 concern about S.B. 14, is that something they would
20 bring to you?

21 A. They normally will bring it to me, but they
22 will also take charge.

23 Q. But to your knowledge, nobody on your staff
24 has spoken with anyone at the Secretary of State's
25 office about the implementation of S.B. 14?

1 A. There's a possibility that Diana South could
2 have, yes.

3 Q. For a second, I want to talk about voter
4 fraud. If you thought there was an instance of voter
5 fraud in the county, would you refer that to someone?

6 A. We've had it before.

7 Q. What?

8 A. We've had voter fraud before.

9 Q. And what were the -- was that referred to
10 someone?

11 A. To the county judge and district attorney.

12 Q. And what were the circumstances? How many
13 times have there been --

14 A. Twice.

15 Q. Twice. Do you recall when those were?

16 A. I would say possibly five years ago. And
17 before that, I would say probably eight.

18 Q. Let's start with the first instance about
19 eight years ago. What was the circumstances of the
20 election fraud?

21 A. It was a very elderly woman who did not
22 know -- remember that she had already voted early and
23 came and voted again, or tried to vote again. Well, she
24 actually did vote again.

25 Q. So she was able to vote twice?

1 A. Yes.

2 Q. And was that case -- that case was referred to
3 someone?

4 A. Yes.

5 Q. Do you know what happened with that case?

6 A. Do you really want me to tell you?

7 Q. Yes.

8 A. She got the shit scared out of her because she
9 thought she was going to jail, and a \$10,000 fine.

10 Q. And was that case prosecuted, do you know?

11 A. No.

12 Q. It was not. Do you know why?

13 A. Because of the circumstances. She was in her
14 late 80s, she made a mistake, and it was not
15 intentional.

16 Q. And the instance -- and do you know who the
17 parties were that were involved in that case?

18 A. I don't remember her name.

19 Q. Okay. And the case about five years ago, what
20 were the circumstances of that case?

21 A. The lady went and voted Democrat, and then her
22 friend came and said, "Let's go vote Republican," so she
23 did.

24 Q. And do you know what happened with that case?
25 Was that referred as well?

1 A. It was.

2 Q. And do you know if that case was prosecuted?

3 A. No.

4 Q. Do you know whether the woman knew that she
5 could only vote once?

6 A. No.

7 Q. She did not know?

8 A. She did not know, she was just on the
9 bandwagon.

10 Q. In the instance of the woman who voted twice,
11 the elderly woman who voted twice, would S.B. 14 have
12 prevented her from doing that?

13 MR. KEISTER: Objection; form. Calls for
14 speculation.

15 Q. (By Ms. Simson) You can go ahead.

16 A. I don't think so.

17 Q. With respect to the women who tried to vote
18 twice in the same election, I guess they tried to vote
19 in the Democratic primary, and then the Republican
20 primary, would S.B. 14 have stopped that?

21 MR. KEISTER: Object to form, calls for
22 speculation.

23 A. Possibly.

24 Q. (By Ms. Simson) And why do you say
25 speculation?

1 A. Well, my worker would have caught it.

2 Q. And how would the showing of an ID catch that?

3 A. She could have remembered her. Because we're
4 so small, she might have remembered her.

5 Q. Do you think she could have remembered her
6 just from seeing her face again?

7 A. Yes.

8 Q. So would the ID have been necessary?

9 A. Well, let me go back and correct myself.

10 Q. Yeah.

11 A. I believe, if I'm not wrong, that's why they
12 found out that she -- they remembered her voting.

13 Q. And was that because they had seen her in
14 there earlier?

15 A. Yes.

16 Q. So would her showing an ID have changed
17 anything?

18 A. I don't know.

19 MR. KEISTER: Form, speculation.

20 Q. (By Ms. Simson) Now, one of the requirements
21 of S.B. 14 is that the information on a person's
22 identification has to match the information on the voter
23 registration list. Is that something you are familiar
24 with?

25 A. Well, not all of it.

1 Q. Okay. What is your understanding of -- when a
2 person presents an ID --

3 A. Well, it would state your name and address,
4 but it wouldn't have -- it wouldn't have Social Security
5 number, or the last four digits of the Social Security
6 number, or -- that's all.

7 Q. Are you familiar with a requirement that
8 this -- that the information, though, on a person's ID,
9 such as their name, is supposed to be substantially
10 similar to the information on the poll book?

11 A. Yes.

12 Q. And who makes -- when a voter comes in to
13 vote, what do they do? They hand their ID to an
14 election worker?

15 A. Their ID, or their voter registration card.

16 Q. Okay. And so if they hand over their voter
17 registration card, what happens next?

18 A. They are able to vote.

19 Q. Okay. If they hand over their driver's
20 license, what happens?

21 A. They are able to vote.

22 Q. And does the election worker look them up in
23 the system, or how do they --

24 A. Yes.

25 Q. And what do they do, they take the ID?

1 A. We have both. We have the electronic poll
2 books, and we also have the book itself. But the last
3 election we went strictly -- we bought enough poll books
4 to go strictly to the poll book.

5 Q. When you say go straight to the poll book,
6 what do you mean?

7 A. It's an electronic poll book.

8 Q. Okay. So they would look them up in an
9 electronic poll book?

10 A. Yes. And if they didn't find them, they would
11 call Sheila.

12 Q. Okay. So make sure that they are not somehow
13 missing any error?

14 A. Correct.

15 Q. Okay. And when they -- let's say somebody
16 hands over their voter registration card. Does the
17 election worker then ask them for a photo ID?

18 A. Yes.

19 Q. Since Jasper is such a small county, are there
20 times when the person might just say --

21 A. No, not even their mother.

22 Q. Okay. And so if you hand over your ID, what
23 is the information that the election workers are told
24 they are supposed to check against the voter
25 registration cards?

1 A. Their -- of course, physical picture, and
2 their name and address and all, needs to match up with
3 our poll, the poll books.

4 Q. If an election worker said the information on
5 your ID is not substantially similar to the information
6 on the poll book, what happens?

7 A. They would vote provisionally.

8 Q. Okay. And is there -- if the election clerk
9 makes the decision that the person does not have a
10 substantially-similar ID, would anybody check that
11 before they make the person vote provisionally?

12 A. Well, they might on occasion call Sheila and
13 make sure that they are on there or not. But then we
14 would let them vote provisionally.

15 Then that would go, you know, into after
16 the election whether it was counted or not.

17 Q. Okay.

18 A. It's put in a sealed envelope.

19 Q. What kind of guidance did you give to election
20 workers about how to make a determination if an ID was
21 substantially similar to the voter registration list?

22 A. We just visited with them one-on-one, and we
23 made it very important, as much as, "Don't let your
24 sister vote unless you have their photo ID." We really
25 pressed those issues.

1 Q. And if -- so if a person shows up and the name
2 on their ID, and the date of birth, and the address
3 don't match what's on the voter registration list, would
4 that person vote a regular ballot or a provisional
5 ballot?

6 A. Provisionally, which would also correct any --
7 that's like re-registering or registering to vote when
8 you vote provisionally.

9 Q. So when you vote provisionally because you do
10 not have a photo ID, what do you have to do to make sure
11 your vote is counted?

12 A. It goes -- they have a chance to bring in a
13 proper ID.

14 Q. Okay. And if a person's name doesn't match
15 exactly between their ID and the poll book, what does
16 the voter have to do to vote a regular ballot?

17 A. What do you mean?

18 Q. Let me rephrase that. If a person comes in
19 and they present an ID, and they don't have an exact
20 match between the name on their ID and the name on the
21 poll book -- let's say their middle name is on one and
22 it's not included in the other. Is there anything that
23 person has to do to vote a regular ballot?

24 A. I would think in that instance, they would
25 have to vote provisionally.

1 Q. If there is not an exact name match?

2 A. It would have to be really off.

3 Q. So a pretty big difference?

4 A. Yes.

5 Q. Okay. Did the county give poll workers any
6 examples of maybe an ID and information on the poll book
7 and say, when a voter shows up with information like
8 this, you should accept them to vote a regular ballot,
9 or you should tell them they have to vote a provisional
10 ballot?

11 A. Not that I'm aware of.

12 Q. Okay. Did the county provide election workers
13 with anything like a list of nicknames, for instance,
14 for Hispanic names --

15 A. No.

16 Q. -- so that they had a sense of the nicknames?

17 A. The Secretary of State did send some examples.

18 Q. So the Secretary of State --

19 A. Like William and Bill.

20 Q. Right. So the Secretary of State's office
21 sent some examples, but the county didn't come up with
22 any additional ones?

23 A. We passed that information on to our -- during
24 the school.

25 Q. So you gave the Secretary of State's

1 information to the election clerks?

2 A. Yes.

3 Q. But the county didn't provide any additional
4 examples?

5 A. No.

6 Q. Okay. And the county did not provide any sort
7 of list of common nicknames for various names, or
8 anything like that?

9 A. We did have that -- like I said, we passed it
10 on verbally.

11 Q. From the Secretary of State's office?

12 A. Yes.

13 Q. Have you had any complaints from constituents
14 about the photo ID law?

15 A. No.

16 Q. Have you had any election workers complain to
17 you about having to implement S.B. 14?

18 A. Yes.

19 Q. And what were those complaints?

20 A. Well, it's just extra work.

21 Q. And when they say it's extra work, why is it
22 extra work?

23 A. I don't know. They're old and contrary.

24 Q. The county clerk's office issues various
25 records; is that correct?

1 A. Yes.

2 Q. Do you issue certified copies of marriage
3 licenses?

4 A. Yes.

5 Q. Do you know how much those cost?

6 A. We just went up. Eight.

7 Q. \$8?

8 A. Uh-huh.

9 Q. And is that only issued -- how many office
10 locations do you have?

11 A. We have one in Jasper, and we have a satellite
12 office in Buna.

13 Q. So would a person have to go in person to one
14 of those offices?

15 A. They would have to go to Jasper to obtain that
16 information.

17 Q. They would have to go to Jasper?

18 A. Uh-huh.

19 Q. And can you only issue --

20 A. I'm sorry. No, I'm completely wrong on that.
21 We do not. We only have Jasper. That is in our
22 building thoughts to have a satellite location.

23 Q. Okay. So right now you only have one office?

24 A. Yes.

25 Q. Okay. So if a person needed a certified copy

1 of their marriage license, they would go to Jasper?

2 A. Yes.

3 Q. And can you only issue certified copies of
4 marriage licenses if they were married in Jasper County?

5 A. Yes.

6 Q. So you don't have the ability to look up other
7 counties in Texas?

8 A. No, only on birth.

9 Q. Is there any sort of waiver if a person comes
10 in and says, "I need a certified copy of my marriage
11 license but I can't afford it"?

12 A. No.

13 Q. On the birth certificates, you also issue
14 certified copies of birth certificates; is that correct?

15 A. Correct.

16 Q. And how much do those cost?

17 A. Twenty-three.

18 Q. And that would also be available only at the
19 one county office?

20 A. Yes.

21 Q. And I believe you said that you can look that
22 up for anywhere in the state?

23 A. Anywhere in the state, unless it's a delayed
24 birth, something like that. We can't do delayed births,
25 or if the name is too long, we can't issue it.

1 Q. If the name is too long, you cannot issue it?

2 A. Yes.

3 Q. How come?

4 A. We can issue it on our part as far as on the
5 paper, but we can't do it from the secretary -- from the
6 state's part because the forms just will not allow the
7 printer to do it.

8 Q. So if you printed one of these, would it be
9 considered a certified copy?

10 A. I'm sorry, I don't understand.

11 Q. If somebody's name is too long and they come
12 in saying, "I need a certified copy of my birth
13 certificate," can you issue one?

14 A. No. Not unless -- I can issue it if it's in
15 Jasper County, but if it's from another county, like
16 Harden County, Newton County, something like that, it
17 won't let us print that out.

18 Q. Okay.

19 A. They have to go back -- or delayed birth, they
20 have to go back to the county they were born in.

21 Q. So if somebody was born outside of Jasper
22 County, you would have to look that up in the Secretary
23 of State, and if the name is too long, you can't print
24 it?

25 A. Uh-huh.

1 Q. Are you familiar that the state has waived or
2 has reduced the fees for birth certificates if the
3 person is using the birth certificate to get a free
4 voter ID?

5 A. No, I'm not.

6 MS. HOUSTON: Yeah.

7 A. She knows more than I do.

8 Q. (By Ms. Simson) So you were not previously
9 aware that the state has reduced the fees for birth
10 certificates?

11 A. No.

12 Q. So --

13 A. On occasion, I pay for them myself.

14 Q. You pay for people to get birth certificates?

15 A. If there is a situation, I will pay for it
16 myself.

17 Q. And has that come up in the past?

18 A. Yes. I know everybody.

19 Q. And what were the reasons the person didn't
20 have a birth certificate?

21 A. They may never have gotten one. They may be
22 very poor. And there is -- they don't know who to go to
23 or where to go to to get any assistance.

24 You know, they're young. I know all
25 their mothers and their grandmothers and their daddies

1 and their brothers. And there's been occasions where
2 I've married and buried them.

3 Q. So there have been instances in the past where
4 you've paid for someone to get a birth certificate
5 because they needed one?

6 A. Yeah.

7 Q. So you -- in your experience, there are people
8 in the state who don't have birth certificates?

9 A. I would say yes.

10 Q. Okay. If a person --

11 A. Can I make an objection? Why are we on
12 marriage licenses and not voter ID?

13 Q. Well, are you aware that to get a free voter
14 ID, voters have to present certain documents to get one?

15 A. Yes.

16 Q. And do you know which documents those are?

17 A. Well, yes, I do. And birth certificate is
18 one.

19 Q. And are you aware that if a person's name has
20 changed since birth, that they might have to provide
21 both a certified copy of their birth certificate and
22 something else?

23 A. Okay, I gotcha.

24 Q. Okay. But if you have questions, please feel
25 free to let me know.

1 A. Oh, I will.

2 Q. So your staff issues birth certificates; is
3 that correct?

4 A. Yes.

5 Q. And is your staff trained to issue the
6 reduced-fee birth certificates if a person needs one for
7 a photo ID?

8 A. No. I didn't know anything about it. There's
9 a possibility that the other girls did.

10 Q. Has the county done anything to advertise that
11 if a person needs a birth certificate to get a photo ID
12 to vote, that the county offers reduced-fee birth
13 certificates?

14 A. No.

15 Q. Okay. If a person shows up at the poll -- I
16 know you've said multiple times that it's a small
17 county, people tend to know each other.

18 If a person shows up at the poll and
19 maybe their name has changed because of marriage and so
20 the name on the voter list is different than the name on
21 their ID, is it common that the person who's looking at
22 their ID would know them?

23 A. It's common that we know them, but we do a
24 correction.

25 Q. Okay. So you would do a correction. But if

1 they came in and their name had changed since they had
2 registered to vote, or vice-versa, the person at the
3 polls would tend to know the person?

4 A. I would say more -- the workers are within
5 their polls, they know their people. But we don't
6 depend on that. They have to show their ID.

7 Q. Right. So they have to show their ID, but if
8 a person came in and their ID -- the information on
9 their ID had changed since they registered to vote, or
10 they had, you know, registered to vote more recently and
11 their information had changed since they got their ID,
12 is it likely that the person at the poll would know them
13 so they would know that it was the right person showing
14 the ID?

15 A. I would say yes. They would know them.

16 Q. If they didn't know them and the information
17 didn't match, what do you think the poll worker would
18 do?

19 A. Only make them vote provisionally.

20 Q. Okay. And would they -- are election clerks
21 allowed to ask for other documents to see if the voter
22 is who they say they are?

23 A. Yes.

24 Q. And what kind of other documents might an
25 election clerk ask for?

1 A. Well, they can use a Visa, they can use a -- I
2 can't think right now. A gas bill, an insurance card.

3 Q. So a person could show up at the polls with a
4 photo ID and a gas bill and say, "Hey, my name is
5 changed, but I am who I say I am"?

6 A. Yes.

7 Q. Okay. And if the person comes back to the
8 county office, and now they want to prove who they say
9 they are --

10 A. We send them a letter.

11 Q. You send them a letter. And what does the
12 letter say?

13 A. That letter tells them whether their vote
14 counted and why, if it didn't. And it also registers
15 them to vote.

16 Q. The letter registers them to vote?

17 A. No. When they issue -- we make them do a
18 card. Well, when it's put in that green envelope, that
19 registers them to vote.

20 Q. So they will be registered in the future?

21 A. Yes.

22 Q. But you may have some voters who are already
23 registered but may have to cast provisional ballots; is
24 that correct?

25 A. Very -- that would be very, very few. I mean,

1 that would be on a -- I don't think it would be very
2 much at all. Do you?

3 MS. HOUSTON: We will have some.

4 A. Some.

5 Q. (By Ms. Simson) Some provisional voters. And
6 if a person were to cast a provisional ballot because
7 they didn't have a photo ID, they have to come back
8 within six days to prove who they say they are; is that
9 correct?

10 A. Uh-huh.

11 Q. And when they come back, could they bring a
12 gas bill or some other documents with them to show who
13 they are?

14 A. Uh-huh.

15 Q. And is that a "yes"?

16 A. Yes. I'm sorry.

17 Q. No problem. Are you familiar with the
18 religious exemption in S.B. 14?

19 A. No.

20 Q. Do you know -- so you are not aware that under
21 S.B. 14 somebody could come to the voter registrar's
22 office after the election and say, "I have an objection
23 to being photographed," as a religious objection?

24 A. Yes.

25 Q. And are you aware of the disability exemption

1 under S.B. 14?

2 A. Yes.

3 Q. And what does the disability exemption allow?

4 A. For us to mail them a ballot.

5 Q. So that's the mail ballot, but are you aware
6 that there's a disability exemption that allows voters
7 who have certain disabilities to vote in person on
8 election day without a photo ID?

9 A. Yes.

10 Q. Has anybody in the county applied for a
11 disability exemption?

12 A. No.

13 Q. Do you know if the county has advertised that
14 there is a disability exemption to showing photo ID?

15 A. No.

16 Q. Are the election workers trained on the fact
17 that there may be some people who present a voter
18 registration card without a photo ID who are allowed to
19 vote because of a disability?

20 A. No.

21 Q. Did you do any sort of analysis after these
22 elections to figure out whether S.B. 14 had an effect on
23 the elections?

24 A. No.

25 MS. SIMSON: I don't have any more

1 questions at this time. So I will see if -- Bruce, are
2 you on the phone?

3 MR. GEAR: I am on the phone, and I do
4 have some questions.

5 EXAMINATION

6 BY MR. GEAR:

7 Q. You were asked about the disability exemption,
8 and I just wanted to be clear for the record, and for my
9 purposes, were you aware of the existence of a
10 disability exemption?

11 A. Can you say that again?

12 Q. Are you aware -- or are you aware of the
13 existence of a disability exemption under S.B. 14?
14 Senate Bill 14, to be clear.

15 A. Yes.

16 Q. Pardon? Did you not hear the question?

17 A. Yes, I heard it. Yes, I'm aware.

18 Q. Do you know how a voter can obtain a
19 disability exemption in Jasper County?

20 A. There's a form that they have to present to a
21 doctor, and that doctor has to complete that form and
22 give it back to the voter registrar.

23 Q. And that's based on your understanding that
24 the only way a voter can obtain a disability exemption
25 pursuant to S.B. 14 or Senate Bill 14?

1 A. That's all I know, yes. That's the only way I
2 know.

3 Q. And did I understand your prior testimony that
4 you had not advertised the disability exemption in
5 Jasper County?

6 A. No.

7 Q. Are you familiar with the natural disaster
8 exemption under S.B. 14?

9 A. No, I'm really not.

10 Q. Do you know how a voter would go about
11 obtaining a natural disaster exemption pursuant to
12 S.B. 14?

13 A. I would suppose it would be just like a ballot
14 by mail, if you're talking about them having to
15 evacuate. Is that what you're talking about?

16 Q. Well, I'm just trying to understand your
17 knowledge of exemptions. And I'm trying to understand
18 what your understanding is of the natural disaster
19 exemption.

20 A. I'm really not familiar with it. I would just
21 assume that -- he would take my natural -- I mean, my --
22 what would come to me naturally, and do what I thought
23 best.

24 Q. When you say what would come to you naturally
25 and do what you can, can you explain that a little bit

1 more?

2 A. If they were out of the county, I would say
3 that would be a mail-out ballot to them.

4 Q. Are you familiar with the religious objection
5 under S.B. 14, or Senate Bill 14?

6 A. That question has been asked, and I said no.

7 Q. Do you know how an individual would go about
8 obtaining a religious exemption --

9 A. No, I don't.

10 Q. -- under S.B. 14?

11 A. No, I don't.

12 Q. Have you provided any training to your poll
13 workers or election judges regarding exemptions under
14 S.B. 14, or Senate Bill 14?

15 A. I've already answered that. Yes, I have.

16 Q. And what was that training based upon?

17 A. What we received from the Secretary of State.

18 Q. Are you aware of whether any voter in Jasper
19 County has applied for a disability exemption?

20 A. No, there has not. Other than -- not under
21 S.B. -- not under that, no, no. We have had them apply
22 through a doctor, but not under this.

23 Q. If I understood your testimony correctly, you
24 understand that the disability exemption under S.B. 14
25 to require a doctor's -- something from a doctor?

1 A. Yes.

2 Q. Do you have any opinion as to whether or not
3 it's difficult to obtain a natural disaster exemption?

4 A. I would say no.

5 Q. And what's that understanding based upon?

6 A. We try to provide everybody with the right to
7 vote.

8 Q. Has anybody claimed a natural disaster
9 exemption in your county?

10 A. Has there been one?

11 Q. Been one, correct.

12 A. No. It just so happens, we haven't had a
13 natural disaster during an election.

14 Q. Do you know who has the authority to authorize
15 the availability of a natural disaster exemption?

16 A. Our county judge, and our commissioners. Our
17 county judge has the authority, the full authority.

18 Q. Okay. And in discussing the election
19 identification certificates, it's my understanding
20 you're not familiar with that term; is that correct?

21 A. I'm familiar with it.

22 Q. Do you have any understanding as to the
23 process an applicant would have to go through to obtain
24 an election identification certificate?

25 A. Well, I really don't know, to tell you the

1 truth. I'm not going to profess I do, other than
2 applying for one -- I don't know if we have a form for
3 it or not. We don't have a form.

4 Q. Do you have any understanding as to where an
5 applicant would apply for an election identification
6 certificate?

7 A. Well, I suppose with us, or with the Secretary
8 of State, DPS.

9 Q. Are you aware of any voters or applicants
10 requesting an election identification certificate from
11 your office?

12 A. No.

13 Q. Have you trained your employees on how to
14 issue election identification certificates?

15 A. We don't issue them because we do not have the
16 software to do that, or the means to do that.

17 Q. Okay.

18 A. Or the funds.

19 Q. And when you say "or the funds," can you
20 explain a little bit more, please?

21 A. Correct. We are on a limited budget.

22 Q. And that does not include the ability to issue
23 election identification certificates?

24 A. No, I don't suppose we would have to -- I
25 mean, it costs money to do that. You'd have to have

1 cameras, you would have to have someone trained to do
2 that. I would have to have another person to do that.

3 Q. And one more line of questioning regarding the
4 election identification certificates. Do you have any
5 understanding of what the underlying document an
6 applicant would need to present to apply for an election
7 identification certificate?

8 A. They would have to have a birth certificate.
9 They would have to have -- whatever we have to have now
10 --

11 Q. I'm sorry. Were you done?

12 A. We don't have the requirements to do this.
13 Hold on.

14 Q. Again, I'm just asking you: Do you have any
15 understanding as to what documents an applicant would
16 have to present to obtain an election identification
17 certificate?

18 A. I don't believe we have been given that
19 information.

20 Q. You provided some testimony regarding birth
21 certificates, and I understand that your office issues
22 birth certificates; is that accurate?

23 A. Correct.

24 Q. And the cost for a birth certificate is \$23.

25 A. Yes.

1 Q. Correct?

2 A. Yes.

3 Q. You talked about delayed birth, and I may have
4 misunderstood that. Could you explain to me what
5 delayed birth -- a delayed birth certificate is?

6 A. That would be somebody who applied for a birth
7 certificate after they were grown. I'm just going to do
8 a simple synopsis of it.

9 They would apply for a birth certificate
10 after they were grown. They would have to get
11 verification and witnesses saying who their mother and
12 their father were, afterwards.

13 That is a delayed birth, and it would go
14 in our records later on in their life. Sometimes they
15 didn't get one until they were 65 years old when they
16 started to get Social Security.

17 Q. And under what circumstances would somebody
18 seek a delayed birth certificate?

19 MR. KEISTER: Objection; form. Calls for
20 speculation.

21 Q. (By Mr. Gear) If you know.

22 A. What would cause them to get one?

23 Q. Under what circumstances would someone need to
24 seek a delayed birth certificate?

25 A. They might want it for genealogy. They might

1 want it for Social Security. They might want it for
2 their children, various reasons.

3 Q. Have you ever heard the term "midwife"?

4 A. Yes.

5 Q. Do you want me to repeat the question?

6 A. I said yes, I have. I know what a midwife is.

7 Q. And do you have practicing midwives in Jasper
8 County?

9 A. No, we don't.

10 Q. Is there some law or regulation that prevents
11 the practice of midwives in Jasper County?

12 A. No, there's not.

13 Q. Are you aware of Jasper County residents that
14 have been born by midwives?

15 A. No, I'm not.

16 Q. Hypothetically, if a Jasper County resident
17 was born by a midwife, or born at home, how would they
18 go about obtaining a birth certificate?

19 MR. KEISTER: Objection; form. Calls for
20 speculation. The witness testified she doesn't know.

21 Q. (By Mr. Gear) Let me clarify that. If a
22 person was born at home and not in a hospital in Jasper
23 County, what process would they have to go through to
24 obtain a birth certificate in your office?

25 A. They actually come in and fill out a form with

1 our office and submit it to Austin.

2 Q. And is -- is that a \$23 fee to accomplish
3 that?

4 A. I believe it's a \$25 fee.

5 Q. A \$5 fee?

6 A. Twenty-five. It does not go to us, it goes to
7 the state.

8 Q. Do you know how long that process generally
9 takes?

10 A. It could be 30 days, it could be six months.
11 I don't know. It's a variation of it.

12 Q. And have you actually had a situation where a
13 Jasper County resident needed a birth certificate
14 because they were born at home?

15 A. Yes.

16 Q. And it could take anywhere from 30 days to six
17 months because of the variation?

18 A. Yes.

19 Q. What type -- could you explain that variation
20 to me? I'm not sure I understood that.

21 A. Well, that goes to the state. It doesn't have
22 anything to do with us. So from the point of going to
23 the state, it's left up to the state to issue that, not
24 us. We do get a copy of it to file in our records for
25 permanent keeping.

1 Q. If I understood that last part of your
2 testimony, you would file a record of that birth
3 certificate in -- at your office for permanent keeping.
4 Did I understand that correctly?

5 A. The state would furnish us that, yes. And
6 from that point, we could issue a birth certificate to
7 that person, from then on, if he should need it, or her
8 should need it for any other instances.

9 Q. Okay. Focusing on the transportation system,
10 the public transportation system in Jasper County. I
11 understood your testimony to be that there are no public
12 buses available in Jasper County.

13 A. Correct.

14 Q. And I understood your testimony to be that
15 there is a taxi service in Jasper County.

16 A. One taxi service, that I'm aware of.

17 Q. And do you know if that's based -- where that
18 taxi service is based in Jasper County?

19 A. Jasper, Texas.

20 Q. Is it the City of Jasper? It's in Jasper
21 County?

22 A. City of Jasper.

23 Q. I'm not sure I understand your testimony.

24 A. City of Jasper.

25 Q. Do you have any understanding as to where that

1 taxi actually picks up and drops off in terms of Jasper
2 County as a whole?

3 A. No, sir.

4 Q. Would you agree that a person living in rural
5 Jasper County who lacked transportation but needed to
6 get to the DPS office, that that could be a substantial
7 cost, as far as taxi service is concerned?

8 MR. KEISTER: Objection; form.

9 A. I'm not aware of the cost.

10 Q. (By Mr. Gear) But you agree there would be a
11 cost associated for an individual who has to get a taxi
12 service and needs to get to DPS?

13 MR. KEISTER: Objection; form. Vague.
14 Calls for speculation.

15 Q. (By Mr. Gear) You can answer.

16 A. I'm sure it would cost.

17 Q. Your answer is "yes"?

18 A. Yes.

19 Q. Would you agree that there is a cost to obtain
20 a Texas driver's license?

21 A. From my own personal experience, yes.

22 Q. And do you know what the cost to obtain a
23 Texas driver's license is?

24 A. I'm not sure.

25 Q. From your own personal experience, how much?

1 A. I would say \$16.

2 Q. \$16?

3 A. I believe so.

4 Q. Would you also agree that there is a cost to
5 obtain a Texas state ID?

6 A. I'm not aware that there is a cost for a Texas
7 state ID.

8 Q. Could you clarify for me where the DPS office
9 is located in Jasper County?

10 A. It is located approximately five miles -- one
11 mile out of the city limits. Maybe not a mile, maybe a
12 hundred yards, out of the city limits.

13 Q. Are you aware of the poverty rate in Jasper
14 County? Do you have any knowledge of that?

15 A. No, I don't. I'm not an expert in that.

16 Q. Describing the county demographically, is
17 there any location in Jasper County that's likely to
18 have individuals who live below the poverty line?

19 A. I'm sure there are, but I'm not sure where
20 they're at. That's not my expertise of location of
21 poverty.

22 Q. So, for instance, do you have any low-income
23 housing in Jasper County, that you're aware of?

24 A. We do.

25 Q. And can you tell me where those low-income

1 housing facilities are located?

2 A. One on -- two on 190 east and west.

3 Q. East and west?

4 A. Yes.

5 Q. And is that located in any particular city?

6 A. Jasper.

7 Q. Jasper?

8 A. And there's also one called Sweetbriar on MLK.

9 Let me correct myself. There are four within the city.

10 Q. Have you or the county made any attempts to
11 reach out to these low-income housing complexes
12 regarding S.B. 14?

13 A. No.

14 Q. And can you tell me -- because I don't know,
15 these low-income housing complexes, can you tell me the
16 racial make-up of these complexes?

17 A. I don't know.

18 Q. Can you tell me the percentage of
19 African-Americans, or minorities in general, in Jasper
20 County?

21 A. I'm thinking, just a moment.

22 MR. KEISTER: Bruce, when you get to a
23 convenient stopping place, I need to take a break.
24 We've been going for a while.

25 MR. GEAR: Let her answer this question.

1 MR. KEISTER: I understand. I'm giving
2 you the heads up. I'm crossing my legs.

3 A. I really don't know. I would say racially, 30
4 to 35 percent black. It's depending on which end of the
5 county you're talking about.

6 The south end of the county is primarily
7 white. The north end of the county is a big portion of
8 black. But I'm not familiar with how many.

9 Q. (By Mr. Gear) When you talked about 190 east,
10 what end of town would those be on?

11 A. There is one -- there is actually four.

12 Q. Okay.

13 A. And one is east of the Jasper City limits.
14 One is within the city limits of Jasper, west.

15 Q. That's two.

16 A. Okay. Sweetbriar is on MLK. And Hope
17 Village, the projects, is within the city limits.

18 Q. That's Hope Village?

19 A. Hope Village. And Merits Village, which is
20 both black and white, and that's east.

21 Q. I know people want to take a break. Hope
22 Village, are you familiar with the general racial makeup
23 of Hope Village?

24 A. Mostly black, but I'm not going to say for
25 sure, no.

1 Q. Would you describe --

2 A. I have not been in there. I have not been in
3 and gone door to door --

4 Q. Okay.

5 A. -- to know who lives there.

6 Q. But you described certain areas of the city as
7 being predominantly white or predominantly black. Would
8 Hope Village fall into the area that you described as
9 predominantly African-American or black?

10 A. Yes.

11 Q. Did you say one of the housing complexes is
12 Switchburn (sic)?

13 A. Sweetbriar.

14 Q. Okay. And would that be in an area that you
15 would describe as predominantly white or predominantly
16 black?

17 A. Black.

18 Q. Then you identified one of the complexes as
19 being on the east end. Do you remember the name of that
20 complex?

21 A. Merits Village.

22 Q. And would you describe that as being an area
23 that's predominantly white or predominantly black?

24 A. It's both, mixed.

25 Q. What about the housing complex you described

1 on the west end, do you know the name of that housing
2 complex?

3 A. Manor Apartments.

4 Q. Would you describe that in an area that's
5 predominantly white or predominantly black?

6 A. Manor Apartments is mixed.

7 Q. When you say mixed, you're talking minority
8 and white population --

9 A. Yes.

10 Q. -- non-Hispanic population? And just to
11 finish up this line of questioning, could you tell me
12 generally what the percentage of Hispanic population is
13 in Jasper County?

14 A. Very few.

15 Q. Very few. And I guess --

16 A. Are you talking legal or illegal?

17 Q. Do you know what percentage the population is?

18 A. Are you talking legal or illegal?

19 Q. Well, you tell me.

20 A. I don't know.

21 Q. When you say very few --

22 A. There is a community called Taco Flats, which
23 is primarily Spanish.

24 MR. GEAR: Okay. Maybe this is a good
25 place to take a break.

1 (Recess from 4:30 p.m. to 4:35 p.m.)

2 Q. (By Mr. Gear) I'm Bruce Gear. I'm asking
3 questions on behalf of the United States. I'm not sure
4 I noted my appearance for the record. Going back to
5 talking about the housing called Taco Flats.

6 A. Yes.

7 Q. Is that the official name of the apartment
8 complex?

9 A. No, it's not a -- it is not a -- it is only a
10 community with a local name.

11 Q. And the local name is?

12 A. Taco Flats.

13 Q. And that community is predominantly Hispanic,
14 I believe you testified to.

15 A. Yes.

16 Q. Do I need to repeat that question?

17 A. Yes, it's predominantly, yes.

18 Q. Predominantly Hispanic?

19 A. Yes.

20 Q. And the answer is "yes"?

21 A. Yes.

22 Q. And has the county made any attempts to reach
23 out to the community known as Taco Flats that is
24 predominantly Hispanic, related to S.B. 14?

25 A. No.

1 Q. You testified previously regarding ads that
2 had been published by the county. Do you recall that
3 testimony --

4 A. Yes.

5 Q. -- related to S.B. 14?

6 A. Yes.

7 Q. Okay.

8 A. We provided -- we didn't specifically say
9 S.B. 14. We said, you know, voter identification.

10 Q. Do you know if those ads were in any other
11 language, other than English?

12 A. I really don't. I'm sure they were, but I
13 really don't. We always put everything in Spanish and
14 in English.

15 Q. As you sit here today, you're not aware?

16 A. I'm not.

17 Q. You're not aware of whether the ads --

18 A. I cannot recall.

19 Q. Are you familiar with the term "popularized
20 voting"?

21 A. No.

22 Q. Do you believe -- strike that. Prior to the
23 implementation of Senate Bill 14, did you have an
24 opinion as to whether or not voter impersonation fraud
25 was a problem in Jasper County?

1 A. No. We -- I do not believe that we have voter
2 fraud.

3 Q. And just so I'm clear, the question was: Do
4 you have an opinion as to whether or not voter
5 impersonation fraud at the polls --

6 A. No, I don't believe we do. We've had it on
7 two occasions, but that's been very selective. I mean,
8 no, I don't believe we have voter fraud.

9 Q. And those are the two occasions that you
10 already testified to?

11 A. Correct.

12 Q. Do you have any evidence to support that the
13 prior law, the prior election law to S.B. 14 was
14 inadequate in any way?

15 A. No.

16 Q. Do you have an opinion as to whether the law
17 that was in place prior to S.B. 14 -- and I'm speaking
18 specifically of the election law -- was inadequate?

19 MR. KEISTER: Objection; form.

20 A. I don't believe it was inadequate, no.

21 Q. (By Mr. Gear) Based on your experience as an
22 election official and a county official, do you have an
23 opinion as to whether or not the voter registration card
24 was sufficient to prove a person's identity at the
25 polling place?

1 MR. KEISTER: Objection; form.

2 A. I think it was.

3 Q. (By Mr. Gear) I'm sorry. The answer was you
4 think it was?

5 A. I do.

6 Q. And just for clarification purposes, at one
7 point during your testimony you were talking about two
8 women in a particular office, and I didn't catch which
9 office you were referring to. Do you recall that
10 testimony?

11 A. No, I don't.

12 Q. Have you heard -- are you aware of any
13 complaints from any residents regarding the wait times
14 at DPS offices?

15 MR. KEISTER: Objection; form.

16 A. Yes, I've heard some.

17 Q. (By Mr. Gear) And can you tell me the
18 substance of those complaints, what the concerns are?

19 A. Just a long time getting the card.

20 Q. And I'm sorry, I didn't hear you.

21 A. Just a long time getting the card was the
22 complaint I had.

23 Q. And did the complaint that you had -- did they
24 describe the length of time it took to obtain the card?

25 MR. KEISTER: Objection; form.

1 A. No.

2 Q. (By Mr. Gear) And when you say "the card,"
3 what card are you referring to?

4 A. The voter registration card, the element of
5 time it took to get to us -- to get to the state, to get
6 to us, to get to them.

7 MR. GEAR: I have no further questions.

8 EXAMINATION

9 BY MR. KEISTER:

10 Q. Ms. Newman, you brought some documents. I'm
11 going to have them marked.

12 (Newman Deposition Exhibit No. 1 was
13 marked and is made a part of this deposition.)

14 Q. (By Mr. Keister) I hand you what's been
15 identified as Exhibit 1. Can you, if you would -- you
16 don't have to be specific, but just generally go through
17 each stapled page and state what it is?

18 A. The ballot language for the November 5th
19 election law. And it was put in the paper in both
20 Spanish and English.

21 The second one is the official ballot for
22 the school trustee election. We help them hold their
23 elections, we order their ballots.

24 The third one is the Democratic party
25 primary election ballot. The next page is the

1 Republican primary precinct breakdown. The run-off
2 breakdown for Republican, Democrat primary breakdown.

3 Q. Can you identify the year, or the election, or
4 what you're referring to?

5 A. 2014, May 27th election. And then next we
6 have the November -- the 2013 November 5th
7 constitutional amendment election synopsis. And then a
8 breakdown of the Republican primary by precinct vote
9 summary.

10 Q. Okay.

11 A. Hold on one moment. I do not have the
12 Democrat -- I don't have the Republican. That's all I
13 have.

14 Q. Is there any reason --

15 A. No, no, it was left out unintentionally.

16 Q. Is that all the documents you have that are
17 responsive to the document request?

18 A. It is.

19 (Newman Deposition Exhibit No. 2 was
20 marked and is made a part of this deposition.)

21 Q. (By Mr. Keister) Okay. I'm going to show you
22 what's marked as Exhibit 2. I'll ask counsel to look at
23 it first. I'll ask you if you recognize this document.

24 A. Yes.

25 Q. Can you tell us what Exhibit No. 2?

1 A. Any other records identified by name, any
2 person who presented himself or herself, yes.

3 Q. Just generally, what -- tell us what Exhibit
4 No. 2 is?

5 A. Exhibit No. 2?

6 Q. Yes.

7 A. Your letter.

8 Q. I'm not asking you to read it.

9 A. Okay. It's a letter asking me to provide you
10 with certain records.

11 Q. Okay. Provide who with certain records?

12 A. To provide Texas Rio Grande Legal Aid.

13 Q. Okay.

14 A. Or Linda Van Daly (sic).

15 Q. Okay. Then did you respond to that letter?

16 A. I have brought the documents that we have
17 today.

18 Q. Okay. But is there a response to Exhibit
19 No. 2?

20 A. Yes.

21 Q. Okay. And what is that response?

22 A. It's in reference from Sheila, my assistant,
23 regarding about the provisional voters for the
24 November 13th election. And we do -- we didn't have any
25 provisional voters.

1 Q. Okay. Was that asking about the
2 constitutional amendment election?

3 A. Yes.

4 Q. Now, who is Sheila?

5 A. Sheila is my assistant to voter registration.

6 Q. Okay. And what is Sheila's last name?

7 A. Houston.

8 Q. And Sheila is here with you today; correct?

9 A. Yes.

10 Q. And you mentioned earlier that there is
11 someone else in your office also that assists you?

12 A. My chief deputy.

13 Q. Okay. What's your chief deputy's name?

14 A. Diana South.

15 Q. And what is Diana South's duties with respect
16 to the election issues?

17 A. She pretty much does all -- a lot of
18 everything.

19 Q. Okay. Have you delegated certain duties to
20 her?

21 A. Yes.

22 Q. You are the county clerk; correct?

23 A. I am.

24 Q. And the county clerk has a lot of duties other
25 than elections?

1 A. Correct.

2 Q. Can you generally tell us, not specifically,
3 but categories of what else?

4 A. Well, you have marriage records, birth
5 records, death records, voter registration. You have
6 marks and brands. You have recording all deeds. You
7 have military records, recording of military records.

8 There's just a vast number of duties.
9 There is no one way one person can do all those duties.

10 Q. Okay. Is it fair to say then you delegate
11 some of those responsibilities to your staff?

12 A. I have ten deputies.

13 Q. Okay. And today, as we sit here, you have had
14 Sheila with you and have had some discussions during the
15 deposition; correct?

16 A. Correct.

17 Q. Okay. Is it fair to say that perhaps there
18 are other people in your office that would have more
19 detailed knowledge of some of the other requirements of
20 S.B. 14?

21 A. Correct.

22 Q. And who would those people be?

23 A. That would be Diana South and Sheila.

24 Q. Okay. And if you had your choice as to who
25 would be best to give a deposition about the details of

1 the county's implementation of the S.B. 14 requirements,
2 who would have been your choice?

3 A. I would say Sheila Houston.

4 Q. Okay. All right.

5 A. However, if you're going to get into the
6 portion of getting the information out to the people,
7 other than by voter registration card, I would say
8 Diana.

9 Q. Okay. And I guess my question is this:
10 Ms. Newman, in all candor, if you have made some
11 statements today that may not be correct with respect to
12 the legal requirements of S.B. 14 and some of the
13 internal workings of it, would you be offended if
14 someone suggested perhaps Sheila, or was it Diane --

15 A. Yes.

16 Q. Would be --

17 A. Diana.

18 Q. Diana.

19 A. I would not be offended at all.

20 Q. Would they be more appropriate to answer those
21 questions?

22 A. Correct, correct.

23 Q. Do they help to keep those issues straight in
24 the office?

25 A. Yes.

1 Q. Okay. Thank you. You mentioned that Jasper
2 County has a population of 35,000?

3 A. Correct.

4 Q. And you don't know the racial break-up of
5 those numbers specifically?

6 A. I don't. I couldn't give you that information
7 today without having it down on paper somehow as to when
8 we went back and did redistricting.

9 Q. Okay. But you think it's somewhere 30 to 35
10 percent of that community is African-American?

11 A. Possibly.

12 Q. Okay. And then I think you testified there
13 was approximately 20,000 registered voters?

14 A. Yes.

15 Q. Okay. Do you know how that 20,000 -- this
16 might be easier -- is broken up between Democrats and
17 Republicans in Jasper County?

18 A. Well, it has changed in the last year or two.
19 We were a Democratic county, completely. And in the
20 last year or two, it has changed dramatically.

21 Q. Okay. Can you give us some number? If you
22 don't know specifically, that's fine.

23 A. I don't know. I just know we have had a lot
24 more Republican voters -- really, it's been neck and
25 neck. I think what did we have, five different -- it

1 hasn't been that much difference in them, in Democrat
2 and Republican.

3 Q. Okay. But in terms of, you know --

4 A. I don't know a percentage.

5 Q. Okay. You couldn't even estimate? Is it
6 50/50?

7 A. No. I don't know. It's split.

8 Q. All right. But that split has come about only
9 in the last couple years?

10 A. Yes.

11 Q. Okay. And you've been elected as a Democrat?

12 A. I have.

13 Q. And your husband is a sheriff and is a
14 Democrat?

15 A. Yes.

16 Q. What about the county commissioners, do you
17 know their breakdown?

18 A. That has changed recently. We have -- give me
19 a minute.

20 Q. Okay.

21 A. We have had some of our elected officials
22 change to Republican, such as commissioner, two
23 commissioners. And J.P., Brett Holloway.

24 Our -- the district judge has changed
25 from Democrat to Republican. I can't recall any more

1 right now.

2 Q. Okay. That's fine. But historically, it's
3 been a predominantly Democrat county, but now it's
4 shifting a little bit?

5 A. Yes.

6 Q. More Republican. All right. You were talking
7 earlier about DP -- Department of Public Safety and
8 issues with regard to the length of time a customer
9 getting service and that type of thing.

10 Has anyone actually told you that they
11 specifically went to DPS to obtain an election
12 identification certificate -- and I'm not talking about
13 a driver's license or anything else, not specifically --

14 A. Not to me.

15 Q. Let me get this out.

16 A. I'm sorry.

17 Q. Okay. Has anyone mentioned to you
18 specifically that they went to DPS to obtain an election
19 identification certificate and did not do so because the
20 lines were too long, or the wait was too long?

21 A. Not that I'm aware. Not to me, no.

22 Q. Have you heard anybody say or anybody report
23 to you, or generally, that anybody has said they went to
24 DPS to get an election identification certificate and
25 did not do so because the lines were too long, or the

1 wait was too long?

2 A. No, I have not heard that.

3 Q. Okay. So what you were talking about earlier
4 when you were talking about generally complaints about
5 service being slow at DPS, you were talking about issues
6 like getting new driver's licenses; correct?

7 A. Correct.

8 Q. Or other issues associated with driver's
9 licenses?

10 A. They were short-handed.

11 Q. Okay. All right. Now, 35,000 people is not a
12 tiny county, but it's not a real huge county in Texas;
13 correct?

14 A. Correct.

15 Q. And as you said earlier, a lot of people know
16 each other or recognize each other, and the fact that
17 people recognize each other in your county, do you think
18 that has an effect on whether or not people would try to
19 come in to a polling place and represent themselves to
20 be somebody they're not?

21 A. No, I don't think they would.

22 Q. All right. For instance, you wouldn't go into
23 a polling place where you know you're going to know
24 people and try to say, "Well, I'm Sheila, and I'm going
25 to vote for Sheila"; correct?

1 A. We're going to make them show ID.

2 Q. Okay. Thank you.

3 A. They are going to have their card or driver's
4 license.

5 Q. Okay. Now, we talked about earlier the fact
6 that S.B. 14 was implemented in June of 2013, and then
7 the next election after June of 2013 was the
8 constitutional amendment election of November; correct?

9 A. Correct.

10 Q. And you had already testified that there were
11 no provisional ballots as a result of -- or during that
12 election; correct?

13 A. Correct.

14 Q. All right. Did you hear anybody -- well, I
15 think you did mention you heard one person -- or heard
16 of one person that complained about the identification?

17 A. That was in the March election.

18 Q. Okay. All right. And in the November 2013
19 election, did you hear of any complaints from people
20 with respect to not being able to vote because of the
21 photo ID?

22 A. No.

23 Q. Okay. Do you, in your capacity, have a fairly
24 good knowledge of what people in the county are talking
25 about with respect to election issues?

1 A. I would believe so.

2 Q. If there were people in the county seriously
3 complaining that they weren't able to vote because of
4 not being able to get a photo ID, do you think that
5 would be something you would have become aware of?

6 A. I would have been aware.

7 Q. And as of today, are you aware of that
8 happening in Jasper County?

9 A. No.

10 Q. Okay. Now, there were some questions about
11 public transportation in Jasper County and whether or
12 not people could get to the DPS office.

13 Have you heard anybody -- how many
14 polling locations did you say there are?

15 A. Twenty.

16 Q. Okay. And that's over a county that stretches
17 how many miles?

18 A. Seventy-two miles.

19 Q. Okay. Have you heard anybody complaining that
20 they were not able to get to the polling place and vote
21 because of a lack of transportation?

22 A. No.

23 Q. Okay. How do people in -- who live in Jasper
24 County, how do they generally get around with respect to
25 transportation?

1 A. Personal cars.

2 Q. Okay. To your knowledge, is there a problem
3 in Jasper County with people not being able to travel
4 because of lack of transportation?

5 A. We are a county who have always, if they
6 wanted to vote, they would either find a way to get
7 there with their friend, their neighbor, or through
8 their church.

9 Q. Okay. And in addition to, though -- I mean,
10 just transportation in general, if someone needs to go
11 to the grocery store, or someone needs to go to school,
12 or to work, how do people generally transport
13 themselves?

14 A. In their vehicles.

15 Q. Okay. And are you aware of there being a
16 problem in Jasper County with people not being able to
17 transport themselves to work?

18 A. I do not believe there is a problem.

19 Q. All right. Just because there's not public
20 transportation does not mean that people in Jasper
21 County are homebound; correct?

22 A. It's kind of like this: If you don't have it,
23 you don't miss it.

24 Q. Okay. People in Jasper County know how to get
25 around in Jasper County?

1 A. Correct.

2 Q. And whether or not a person owns a car, or a
3 vehicle, do people still manage to get around to Jasper
4 County?

5 A. Yes.

6 Q. Did anyone tell you that they did not vote in
7 the 2013 constitutional amendment election because of
8 lack of transportation?

9 A. No.

10 Q. Now, the next election was the March primary;
11 correct? And let me ask you: In the documents you
12 brought today, did you have any information about the
13 number of people that voted in the 2013 constitutional
14 amendment election?

15 A. Yes.

16 Q. Okay. Could you tell us what those numbers
17 are?

18 A. It's 1,044.

19 Q. Okay.

20 A. I'm sorry. 1,249.

21 Q. Okay. And that's the total vote in Jasper
22 County?

23 A. Yes.

24 Q. And you think there is approximately 11,000
25 registered voters?

1 A. No. There are 20,000 registered voters.

2 Q. Oh, 20,000, okay. All right. What would be
3 the typical -- if there is a typical turnout -- in
4 Jasper County for an election, constitutional
5 amendments?

6 A. About this number.

7 Q. Okay. You wouldn't construe that to be an
8 unusually low number?

9 A. No.

10 Q. Or an unusually high number?

11 A. No.

12 Q. Okay. All right. Constitutional amendments
13 just don't draw as many voters?

14 A. No, they don't. But they cost just as much
15 money.

16 Q. Yes, in more ways than one.

17 A. Uh-huh.

18 Q. Okay. You're not aware of any problems in
19 terms of the 2013 election with photo ID?

20 A. No, sir.

21 Q. Okay.

22 A. Just one instance, one man complained about
23 having to show his ID.

24 Q. Okay. And then ultimately he showed the ID?

25 A. He showed the ID, and there was not another

1 word said.

2 Q. He was just being cantankerous?

3 A. Right.

4 Q. Okay. The next election was the March 2014
5 primary?

6 A. That was actually the March election that the
7 man had one complaint, right.

8 Q. Okay. Were there any -- were there any
9 provisional ballots cast --

10 A. No.

11 Q. Okay. To your knowledge, did anybody complain
12 that they were not able to vote in the March 2014
13 primary because of a photo ID requirement?

14 A. No complaints.

15 Q. Okay. Did you hear from any of your poll
16 workers, any issues created because of the 2014 --
17 because of a photo ID requirement?

18 A. No.

19 Q. Okay.

20 A. May I make a mention of one thing?

21 Q. Sure.

22 A. I would say 75 percent of our voters bring
23 their driver's license rather than -- or ID card rather
24 than their voter registration card.

25 Q. Right.

1 A. I've been guilty of it myself.

2 Q. Okay. Was that true even before photo ID came
3 in?

4 A. Yes, sir.

5 Q. People would come in and vote with their
6 driver's license?

7 A. They know to.

8 Q. Right.

9 A. It's just common knowledge to know to.

10 Q. Because people generally have their driver's
11 license in their wallet, or in their purse, and they
12 don't always have the voter's registration card;
13 correct?

14 A. No, it's habit.

15 Q. Okay. And in essence, it's sometimes easier
16 to vote with your driver's license than it is with the
17 registration card; correct?

18 A. Yes.

19 Q. Okay. Do you have there the numbers of people
20 that voted in the March primary of 2014?

21 A. I only have the -- on the March primary, is
22 that what you said?

23 Q. Yes, ma'am.

24 A. It's 2,432 Republicans voted, and about 1,017
25 voted Democrat, I believe. So there's been a fairly

1 large --

2 Q. Number of Republicans?

3 A. -- number, uh-huh.

4 Q. And was there some reason why there was more
5 interest?

6 A. I don't know.

7 Q. Okay. All right. Do you know whether or not
8 those numbers are comparable to statewide, the split
9 between the number of Republicans that voted and the
10 number or Democrats that voted in the primary?

11 A. If I was -- you know, only through news media
12 do I know that, that it was split.

13 Q. That's comparable to the state?

14 A. To our -- I would say in our seven-county
15 region.

16 Q. Okay. That number, total number of voters
17 that voted in the March primary, is that -- is that
18 average what normally votes, or is that above or below?
19 How would you characterize it?

20 A. I would say it was below.

21 Q. Below, okay. How much below? What would you
22 normally expect to see?

23 A. I would expect -- well, I don't know how many
24 more, but more than this, usually.

25 Q. Okay.

1 A. And I can't tell you why.

2 Q. Okay. It could be a lot of reasons why people
3 choose not to vote?

4 A. Uh-huh.

5 Q. And the answer is in the particular elections?

6 A. Correct. If we have a hot race locally,
7 you're going to have a lot more interest. But if we
8 don't have local -- if we have no opposition, then the
9 numbers are low.

10 Q. Did anyone -- have you heard anyone say that
11 they didn't vote in the March primary because of the
12 photo ID requirements?

13 A. Absolutely not.

14 Q. Okay. And then the next election would be the
15 run-off, or was there any --

16 A. Run-off.

17 Q. Okay. And do you have the numbers on the
18 run-off election?

19 A. It's 159.

20 Q. So that was not a very --

21 A. Democrat.

22 Q. Okay.

23 A. I don't have Republican -- well, I do have the
24 Republican. 1,283.

25 Q. So significantly more Republicans?

1 A. Yes.

2 Q. And that could have been because of the
3 interest in the lieutenant governor --

4 A. We had a Republican commissioner running, and
5 I think a J.P., too.

6 Q. Were there any provisional ballots cast in
7 that election?

8 A. No. Were there? Hold on. Not for ID. There
9 were provisional ballots, there are always provisional
10 ballots, but not for ID.

11 Q. Okay. Did anyone report any problems
12 associated with photo ID during that election?

13 A. Not to my knowledge.

14 Q. Okay. Are there any other elections that's
15 occurred since June of 2013?

16 A. No.

17 Q. Okay. With respect to all of the elections
18 that's occurred since photo ID was implemented, have you
19 seen any problems that would lead you to believe that
20 the number of people voting -- or that there's been a
21 less number of people voting because of photo ID
22 requirements?

23 A. No.

24 Q. Okay. Do you feel like -- do you feel like
25 the voting public in Jasper County has been educated and

1 is aware of the need, or the requirement to show photo
2 ID when you vote?

3 A. They know to show ID.

4 Q. Okay.

5 A. It's just something that has been years and
6 years and years and years of doing it, and they know to
7 show ID. And so you don't have a big problem with that.

8 Q. Okay. Do you see a need for Jasper County to
9 spend money to undertake additional voter education,
10 advertising, or programs to educate the public about the
11 requirement?

12 A. Who are we talking about paying?

13 Q. The county.

14 A. The county does not have the money to do it.

15 Q. Okay.

16 A. In my opinion. We have not had a big problem
17 with it.

18 Q. Okay.

19 A. Do you want my personal opinion?

20 Q. Go ahead.

21 A. I think everybody has a right to vote. As
22 long as they're a legal citizen, I think they have the
23 right to vote. We have a hard enough time getting
24 someone to vote now.

25 You can see what our numbers are out of

1 35,000 people. It costs just as much to put on one
2 election for a thousand people than it does for 35,000
3 people.

4 We have to estimate that. We have to
5 guesstimate how many are going to vote. And if they
6 don't, we have to get more ballots.

7 Q. Okay. Putting money aside for a moment, do
8 you see -- forgetting the cost, do you see or think
9 there is a need to educate -- to more educate the voters
10 in Jasper County that they need to bring one of these
11 particular forms of ID that they come to vote?

12 A. There is always room for education.

13 Q. All right.

14 A. But as far as a problem with it in our county,
15 we have not had it.

16 Q. Okay. With respect to in-person fraud, you
17 stated two instances that you're aware of. Certainly
18 there could be other instances that you're not aware of,
19 these are just two you're aware of; correct?

20 A. I'm pretty sure there are not.

21 Q. Could there have been some before you became
22 county clerk?

23 A. I don't think so. She was more strict than I
24 was. She was meaner than I was.

25 Q. Okay. But obviously, unless you catch

1 somebody committing a crime, you don't necessarily know;
2 right?

3 A. No.

4 Q. I guess I don't need to give you an example.

5 A. We pride ourselves in our voters. We pride
6 ourselves in it.

7 MR. KEISTER: Okay. Ms. Newman, I
8 appreciate your patience. I pass the witness.

9 MS. SIMSON: Bruce, do you have any more
10 questions?

11 MR. GEAR: I do not have any follow-up
12 questions.

13 FURTHER EXAMINATION

14 BY MS. SIMSON:

15 Q. I just have a few more. It will be very
16 brief. The first question is: If voters -- if you feel
17 that most voters or all voters -- let me rephrase that.

18 Do you think that all of the registered
19 voters in the county are aware that they now need to
20 bring a photo ID to vote?

21 A. I am pretty sure that most of them do. Just
22 it might not have been advertised as well as it should
23 have been.

24 And I'm at fault there, and I'll take the
25 blame for it. But word of mouth and the news media on

1 television nowadays, they knew.

2 Q. And do you think that if a person knew that a
3 photo ID is now required and they did not have an ID,
4 would they go to vote on election day?

5 A. If they didn't have one? I really don't know
6 if they would try to do that or not.

7 Q. And you said before that your election workers
8 are told that even if they know the person, they have
9 got to require photo ID?

10 A. That's right.

11 Q. So if a person doesn't have a photo ID, they
12 may think it's not really worth their time to try to go
13 vote because they know they will be turned away?

14 A. I don't know.

15 Q. Okay. The last thing, I'm just going to enter
16 this as Exhibit 3.

17 (Newman Deposition Exhibit No. 3 was
18 marked and is made a part of this deposition.)

19 Q. (By Ms. Simson) We'll only go over about two
20 of these. If you look at Exhibit 3 on the first page,
21 it says, "example one, information on poll book," and
22 then beneath that it says, "information on the driver's
23 license".

24 A. Yes.

25 Q. And do you see that the name is different

1 between the information on the poll book and the
2 information on the driver's license?

3 A. Uh-huh.

4 Q. And you see that the date of birth matches?

5 A. Uh-huh.

6 Q. And do you see that there are different
7 addresses listed?

8 A. I do.

9 Q. If a person came into the poll place and
10 presented this driver's license to vote, do you think
11 that they would be allowed to vote a regular ballot or a
12 provisional ballot?

13 MR. KEISTER: Objection; form.

14 A. I would think they would vote provisionally.

15 Q. (By Ms. Simson) And why do you say that?

16 A. Well, the names are not the same, the
17 addresses are not the same.

18 Q. Okay.

19 A. You don't know if they are living within the
20 same precinct now.

21 Q. And is that -- if you're not sure if they are
22 voting in the same precinct, is that something that the
23 election clerk asks them about?

24 A. Yes.

25 Q. Okay. And if the person said, "Yeah, my

1 address changed" --

2 A. They do a residency card.

3 Q. Okay. And do you think in that circumstance
4 they would still have them vote a provisional ballot
5 even if they said their address changed?

6 A. In this instance?

7 Q. Yeah.

8 A. In this instance, I think they would have them
9 vote provisionally. It will give more names.

10 Q. What was that?

11 A. It's a possibility it will probably show
12 "Johnson" on there, too.

13 Q. Okay. So it's possible that if the voter --
14 what would have more information?

15 A. I really don't know. Hold on a minute.

16 I've been advised that this Johnson name
17 would probably show up with the Villarreal name.
18 However, it's really left up to the judge.

19 Q. Okay. So the election judge would look at
20 that and make a determination?

21 A. Right.

22 Q. And do you think that if 100 election workers
23 looked at that, that some of them might come up with a
24 different answer about whether the person votes
25 provisionally or not?

1 A. I'm sure they would.

2 Q. Okay. If we could turn to Page 4, Example 4,
3 it says "Example 4" at the top. And do you see that it
4 says, "information on the poll book," and it has a name
5 that is different from -- there's a first name that's
6 different from the name on the driver's license?

7 A. Uh-huh.

8 Q. And then do you see that the date of births
9 are different?

10 A. Uh-huh.

11 Q. And then you see that the addresses are the
12 same?

13 A. Yes.

14 Q. In this circumstance, do you think that an
15 election worker would allow the person to vote a regular
16 ballot or a provisional ballot?

17 MR. KEISTER: Objection; form.

18 A. I don't think they would let them vote because
19 the date of births are different. That could be a
20 father and son. And we have a lot of that in -- you
21 know, just like my son is William Mitchell Newman, the
22 third.

23 Q. (By Ms. Simson) Okay.

24 A. But they know that this is a son and a father.

25 Q. And then the last --

1 A. Or grandfather.

2 Q. Sorry. The last example on Page 7, Example 7,
3 do you see that it says, "information on the poll book,
4 name Beto Ramirez, information on driver's license,
5 Roberto Ramirez"?

6 A. Uh-huh.

7 Q. And then do you see that the date of birth is
8 the same?

9 A. Yes.

10 Q. And then you see that the addresses are
11 different?

12 A. Yes.

13 Q. In this circumstance, do you think the person
14 would vote a regular ballot or provisional ballot?

15 MR. KEISTER: Object to form.

16 A. If they had their driver's license, we would
17 check their driver's license number, which would be on
18 the voter registration card, or on the poll book.

19 Q. (By Ms. Simson) So if a person presents a
20 driver's license, you could look up their driver's
21 license number on the poll book?

22 A. Yes, correct. No. That's when they call us,
23 I'm sorry.

24 Q. Okay. And what do they do when they call the
25 county?

1 A. They call Sheila.

2 Q. And what is Sheila able to do with that
3 information?

4 A. She is able to look up, through the cards, or
5 she can look up through the state. There's several
6 different ways she can look it up.

7 Q. And just really quickly, to go back to
8 Example 1 -- this is the last set of questions.

9 A. Okay.

10 Q. On Example 1, I believe you said that this
11 person would probably vote provisionally, but it would
12 be up to the election judge to make that call.

13 A. It would. However, if the Johnson name was on
14 there, then they would let them vote. I'm almost sure
15 they would let them vote.

16 Q. A regular ballot?

17 A. A regular ballot.

18 Q. Okay. And not provisionally?

19 A. Uh-huh. So I'm kind of counter doing myself
20 here, but when it gets down to it, and if they have got
21 any kind of question, they always call Sheila.

22 Q. Okay.

23 A. That's all I can tell you.

24 MS. SIMSON: Okay. I have no further
25 questions.

1 MR. KEISTER: Nothing further from me.

2 MS. SIMSON: Bruce, we're good?

3 MR. GEAR: No further questions.

4 MS. SIMSON: Thank you very much.

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FOR THE DEPOSITION OF DEBBIE NEWMAN

[illegible]

1 I, DEBBIE NEWMAN, have read the foregoing
2 deposition and hereby affix my signature that same is
3 true and correct, except as noted above.
4
5
6

7 _____
DEBBIE NEWMAN

8
9 THE STATE OF _____)

10 COUNTY OF _____)

11 Before me, _____, on
12 this day personally appeared DEBBIE NEWMAN, known to me
13 or proved to me under oath or through _____
14 (description of identity card or other document) to be
15 the person whose name is subscribed to the foregoing
instrument and acknowledged to me that they executed the
same for the purposes and consideration therein
expressed.

16 Given under my hand and seal of office
17 this _____ day of _____, 2014.
18

19 _____
NOTARY PUBLIC IN AND FOR

20 THE STATE OF _____
21
22
23
24
25

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

1		
2		
3	MARC VEASEY, JANE HAMILTON,)
4	SERGIO DELEON, FLOYD J. CARRIER,)
5	ANNA BURNS, MICHAEL MONTEZ,)
6	PENNY POPE, OSCAR ORTIZ, KOBY)
7	OZIAS, JOHN MELLOR-CRUMMEY,)
8	JANE DOE, JOHN DOE, LEAGUE OF)
9	UNITED LATIN AMERICAN CITIZENS)
10	(LULAC), AND DALLAS COUNTY,)
11	TEXAS)
12)
13	VS.)
14)
15	RICK PERRY, Governor of Texas,)
16	and JOHN STEEN, Texas Secretary)
17	of State)
18)
19	UNITED STATES OF AMERICA,)
20)
21	V.)
22)
23	STATE OF TEXAS, JOHN STEEN, in)
24	his official capacity as Texas)
25	Secretary of State, and STEVE)
26	MCCRAW, in his official capacity))
27	as Director of the Texas)
28	Department of Public Safety,)
29)
30	TEXAS STATE CONFERENCE OF NACCP)
31	BRANCHES, AND THE MEXICAN)
32	AMERICAN LEGISLATIVE CAUCUS OF)
33	THE TEXAS HOUSE OF)
34	REPRESENTATIVES,)
35)
36	V.)
37)
38	JOHN STEEN, in his official)
39	capacity as Texas Secretary of)
40	State, and STEVE MCCRAW, in his)
41	official capacity as Director of))
42	the Texas Department of Public)
43	Safety)

CIVIL ACTION NO.
2:13-CV-193 (NGR)
(lead case)

CIVIL ACTION NO.
2:13-CV-263 (NGR)
(consolidated case)

CIVIL ACTION NO.
2:13-CV-291 (NGR)
(consolidated case)

1 REPORTER'S CERTIFICATION

DEPOSITION OF DEBBIE NEWMAN

2 JULY 24, 2014

3 I, Cynthia C. Miller, a Certified Shorthand
4 Reporter in and for the State of Texas, do hereby
5 certify that the facts as stated by me in the caption
6 hereto are true, that the above and foregoing answers of
7 the witness, DEBBIE NEWMAN, to the questions as
8 indicated were made before me by the said witness after
9 being first duly sworn to testify to the truth, and same
10 were reduced to writing under my direction; that the
11 above and foregoing deposition as set forth in writing
12 is a full, true and correct transcript of the
13 proceedings had at the time of taking said deposition;
14 that as requested the deposition was made available for
15 the witness to read and sign.

16 I further certify that I am not, in any
17 capacity, a regular employee of the party in whose
18 behalf this deposition is taken, nor in the regular
19 employ of their attorney, and that I am not interested
20 in the cause, nor of kin or counsel to either of the
21 parties.

22
23
24
25

1 GIVEN under my hand and seal of office on this,
2 the 8th day of August, A. D. 2014.

3
4
5 _____
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